



PATENT

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Bryan C. Gebhardt, Kalpesh R. Patel, Allan C. Thygesen,  
Steve Berriatua, Christopher J. Michel

SERIAL NO.: 09/333,724

FILING DATE: June 15, 1999

TITLE: AUTOMATIC CONTROL OF BROADCAST AND EXECUTION OF INTERACTIVE  
APPLICATIONS TO MAINTAIN SYNCHRONOUS OPERATION WITH  
BROADCAST PROGRAMS

EXAMINER: Unknown

GROUP ART UNIT: 2711

ATTY. DKT. NO.: 3550

---

BOX MISSING PARTS  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION

SIR:

Responsive to Form PTO-1533 dated July 15, 1999 received in the above-identified  
patent application, enclosed are:

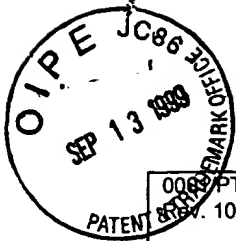
- ☒ a copy of the Notice to File Missing Parts;
- ☒ an original, signed Declaration; and
- ☒ payment in the amount of \$1,094.00 for the surcharge.

Respectfully submitted,  
BRYAN C. GEBHARDT, ET AL.

Dated: September 10, 1999

By: Robert R. Sachs

Robert R. Sachs, Registration No. 42,120  
FENWICK & WEST LLP  
Two Palo Alto Square  
Palo Alto, CA 94306  
Tel.: (650) 858-7110  
Fax.: (650) 494-1417



SECTOR #  
+

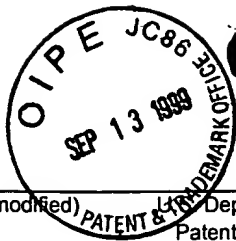
PTO/SB/21 (modified)  
Approved for use through xx/xx/xx, OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence during pendency of filed application)</i>	Application Number	09/333,724
	Filing Date	June 15, 1999
	First Named Inventor	Bryan C. Gebhardt
	Group Art Unit Number	2711
	Examiner Name	Unknown
Total Number of Pages in This Submission		7
Attorney Docket Number		3550

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Enclosed <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input checked="" type="checkbox"/> Declaration <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [ ] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figure(s) [ ] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT			
Signature:	Robert R. Sachs		
Attorney/Reg. No.:	Robert R. Sachs, Registration No. 42,120	Dated:	September 10, 1999

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:	Robert R. Sachs		
Typed or Printed Name:	Robert R. Sachs	Dated:	September 10, 1999
Express Mail Mailing Number (optional):			



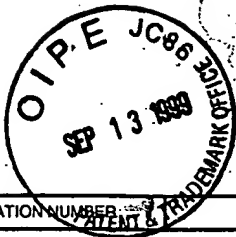
PTO/SB/17 (6-95)(modified)  
Approved for use through 11/30/96, OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>0002/PTO(modified)</b> Rev. 10/95	<b>U.S. Department of Commerce</b> <b>Patent and Trademark Office</b>	<b>Complete if Known</b>	
		Application Number	09/333,724
		Filing Date	June 15, 1999
		First Named Inventor	Bryan C. Gebhardt
		Group Art Unit	2711
		Examiner Name	Unknown
<b>FEE TRANSMITTAL</b>		Attorney Docket Number	3550
<b>TOTAL AMOUNT OF PAYMENT</b>			
Subtotal (1) + Subtotal (2) + Subtotal (3) =		(\$) <b>1,094.00</b>	

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																							
<b>1. The Commissioner is hereby authorized to:</b> <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. <sup>1</sup> <input type="checkbox"/> Charge the Issue Fee set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b) to the below mentioned deposit account.  Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP  A Duplicate Copy of this authorization is attached  <b>2. <input checked="" type="checkbox"/> Payment Enclosed:</b> [ X ] Check [ ] Other		<b>3. ADDITIONAL FEES</b> <table border="1"><thead><tr><th>Large Entity Fee Code/Fee</th><th>Small Entity Fee Code/Fee</th><th>Fee Description</th><th>Fee Due</th></tr></thead><tbody><tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td><b>130</b></td></tr><tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr><tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month<sup>†</sup></td><td></td></tr><tr><td>116/\$380</td><td>216/\$190</td><td>Extension for response within second month<sup>†</sup></td><td></td></tr><tr><td>117/\$870</td><td>217/\$435</td><td>Extension for response within third month<sup>†</sup></td><td></td></tr><tr><td>118/\$1,360</td><td>218/\$680</td><td>Extension for response within fourth month<sup>†</sup></td><td></td></tr><tr><td>128/\$1,850</td><td>228/\$925</td><td>Extension for response within fifth month<sup>†</sup></td><td></td></tr><tr><td>119/\$300</td><td>219/\$150</td><td>Notice of Appeal</td><td></td></tr><tr><td>141/\$1,210</td><td>241/\$605</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr><tr><td>142/\$1,210</td><td>242/\$605</td><td>Utility Issue Fee (Or Reissue)</td><td></td></tr><tr><td>143/\$430</td><td>243/\$215</td><td>Design Issue Fee</td><td></td></tr><tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123/\$50</td><td>123/\$50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126/\$240</td><td>126/\$240</td><td>Submission of Information Disclosure Statement</td><td></td></tr><tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146/\$760</td><td>246/\$380</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>149/\$760</td><td>249/\$380</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td colspan="2">Other fee (specify):</td><td></td><td></td></tr><tr><td colspan="2">Other fee (specify):</td><td></td><td></td></tr><tr><td colspan="2"></td><td><b>SUBTOTAL (3)</b></td><td><b>(\$)<b>130.00</b></b></td></tr></tbody></table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath	<b>130</b>	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet		147/\$2,520	147/\$2,520	For filing a request for reexamination		115/\$110	215/\$55	Extension for response within first month <sup>†</sup>		116/\$380	216/\$190	Extension for response within second month <sup>†</sup>		117/\$870	217/\$435	Extension for response within third month <sup>†</sup>		118/\$1,360	218/\$680	Extension for response within fourth month <sup>†</sup>		128/\$1,850	228/\$925	Extension for response within fifth month <sup>†</sup>		119/\$300	219/\$150	Notice of Appeal		141/\$1,210	241/\$605	Petition to revive unintentionally abandoned application		142/\$1,210	242/\$605	Utility Issue Fee (Or Reissue)		143/\$430	243/\$215	Design Issue Fee		122/\$130	122/\$130	Petitions to the Commissioner		123/\$50	123/\$50	Petitions related to provisional applications		126/\$240	126/\$240	Submission of Information Disclosure Statement		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)		146/\$760	246/\$380	Filing a submission after final rejection (37 CFR 1.129(a))		149/\$760	249/\$380	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify):				Other fee (specify):						<b>SUBTOTAL (3)</b>	<b>(\$)<b>130.00</b></b>														
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																																						
105/\$130	205/\$65	Surcharge - late filing fee or oath	<b>130</b>																																																																																																						
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet																																																																																																							
147/\$2,520	147/\$2,520	For filing a request for reexamination																																																																																																							
115/\$110	215/\$55	Extension for response within first month <sup>†</sup>																																																																																																							
116/\$380	216/\$190	Extension for response within second month <sup>†</sup>																																																																																																							
117/\$870	217/\$435	Extension for response within third month <sup>†</sup>																																																																																																							
118/\$1,360	218/\$680	Extension for response within fourth month <sup>†</sup>																																																																																																							
128/\$1,850	228/\$925	Extension for response within fifth month <sup>†</sup>																																																																																																							
119/\$300	219/\$150	Notice of Appeal																																																																																																							
141/\$1,210	241/\$605	Petition to revive unintentionally abandoned application																																																																																																							
142/\$1,210	242/\$605	Utility Issue Fee (Or Reissue)																																																																																																							
143/\$430	243/\$215	Design Issue Fee																																																																																																							
122/\$130	122/\$130	Petitions to the Commissioner																																																																																																							
123/\$50	123/\$50	Petitions related to provisional applications																																																																																																							
126/\$240	126/\$240	Submission of Information Disclosure Statement																																																																																																							
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)																																																																																																							
146/\$760	246/\$380	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																							
149/\$760	249/\$380	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																							
Other fee (specify):																																																																																																									
Other fee (specify):																																																																																																									
		<b>SUBTOTAL (3)</b>	<b>(\$)<b>130.00</b></b>																																																																																																						
<b>FEE CALCULATION</b> (fees effective 11/12/98) <b>1. FILING FEE</b> <table border="1"><thead><tr><th>Large Entity Fee Code/Fee</th><th>Small Entity Fee Code/Fee</th><th>Fee Description</th><th>Fee Due</th></tr></thead><tbody><tr><td>101/\$760</td><td>201/\$380</td><td>Utility Filing</td><td><b>760</b></td></tr><tr><td>106/\$310</td><td>206/\$155</td><td>Design Filing</td><td></td></tr><tr><td>108/\$760</td><td>208/\$380</td><td>Reissue Filing</td><td></td></tr><tr><td>114/\$150</td><td>214/\$75</td><td>Provisional Filing</td><td></td></tr><tr><td colspan="2"><b>SUBTOTAL (1)</b></td><td></td><td><b>(\$)<b>760.00</b></b></td></tr></tbody></table> <b>2. CLAIMS</b> <table border="1"><thead><tr><th>Large Entity Fee Code/Fee</th><th>Small Entity Fee Code/Fee</th><th>Fee Description</th></tr></thead><tbody><tr><td>103/\$18</td><td>203/\$9</td><td>Claims in excess of 20</td></tr><tr><td>102/\$78</td><td>202/\$39</td><td>Independent claims in excess of 3</td></tr><tr><td>104/\$260</td><td>204/\$130</td><td>Multiple dependent claim</td></tr><tr><td>109/\$78</td><td>209/\$39</td><td>Reissue independent claims over original patent</td></tr><tr><td>110/\$18</td><td>210/\$9</td><td>Reissue claims in excess of 20 and over original patent</td></tr></tbody></table>		Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	101/\$760	201/\$380	Utility Filing	<b>760</b>	106/\$310	206/\$155	Design Filing		108/\$760	208/\$380	Reissue Filing		114/\$150	214/\$75	Provisional Filing		<b>SUBTOTAL (1)</b>			<b>(\$)<b>760.00</b></b>	Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	103/\$18	203/\$9	Claims in excess of 20	102/\$78	202/\$39	Independent claims in excess of 3	104/\$260	204/\$130	Multiple dependent claim	109/\$78	209/\$39	Reissue independent claims over original patent	110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent	<table border="1"><thead><tr><th colspan="2">(Col. 1)</th><th colspan="2">(Col. 2)</th><th colspan="2">(Col. 3)</th><th colspan="2"></th><th colspan="2"></th></tr><tr><th>For</th><th>No. of Existing Claims</th><th></th><th>Highest No. Previously Paid For</th><th></th><th>Extra**</th><th></th><th>Fee</th><th></th><th>Fee Due</th></tr></thead><tbody><tr><td>TOTAL</td><td>27</td><td>minus*</td><td>20 or</td><td>=</td><td>7</td><td>x</td><td>18</td><td>=</td><td>126</td></tr><tr><td>INDEP</td><td>4</td><td>minus*</td><td>3 or</td><td>=</td><td>1</td><td>x</td><td>78</td><td>=</td><td>78</td></tr><tr><td colspan="10">[ ] First presentation of multiple dependent claim</td></tr><tr><td colspan="10"></td></tr></tbody></table> <b>SUBTOTAL (2)</b> <b>(\$)<b>204.00</b></b> <small>* Subtract the greater number of Col. 2 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3</small>		(Col. 1)		(Col. 2)		(Col. 3)						For	No. of Existing Claims		Highest No. Previously Paid For		Extra**		Fee		Fee Due	TOTAL	27	minus*	20 or	=	7	x	18	=	126	INDEP	4	minus*	3 or	=	1	x	78	=	78	[ ] First presentation of multiple dependent claim																			
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due																																																																																																						
101/\$760	201/\$380	Utility Filing	<b>760</b>																																																																																																						
106/\$310	206/\$155	Design Filing																																																																																																							
108/\$760	208/\$380	Reissue Filing																																																																																																							
114/\$150	214/\$75	Provisional Filing																																																																																																							
<b>SUBTOTAL (1)</b>			<b>(\$)<b>760.00</b></b>																																																																																																						
Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description																																																																																																							
103/\$18	203/\$9	Claims in excess of 20																																																																																																							
102/\$78	202/\$39	Independent claims in excess of 3																																																																																																							
104/\$260	204/\$130	Multiple dependent claim																																																																																																							
109/\$78	209/\$39	Reissue independent claims over original patent																																																																																																							
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent																																																																																																							
(Col. 1)		(Col. 2)		(Col. 3)																																																																																																					
For	No. of Existing Claims		Highest No. Previously Paid For		Extra**		Fee		Fee Due																																																																																																
TOTAL	27	minus*	20 or	=	7	x	18	=	126																																																																																																
INDEP	4	minus*	3 or	=	1	x	78	=	78																																																																																																
[ ] First presentation of multiple dependent claim																																																																																																									

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Typed or Printed Name	Robert R. Sachs	Reg. Number	42,120
Signature	<i>Robert R. Sachs</i>	Date	September 10, 1999

<sup>1</sup> Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

09/333,724

06/15/99

GEBHARDT

B. 3550

0212/0715

NOT ASSIGNED

ROBERT R SACHS ESQ  
FENWICH & WEST LLP  
TWO PALO ALTO SQUARE  
PALO ALTO CA 94306

DATE MAILED: 2711

07/15/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☐ non-small entity is \$ 1094.00

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 120.00 for 7 total claims over 20.

\$ 78.00 for independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unsigned.  
☒ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER: \_\_\_\_\_

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

09/15/1999 HLE111  
00000007 09333724  
01 FC:101 760.00 OP  
02 FC:105 130.00 OP  
03 FC:103 120.00 OP  
04 FC:102 78.00 OP